

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EVELYN MCKINLEY,)	
)	Civil Action No. 04-222E
Plaintiff,)	
)	Chief Magistrate Judge
v.)	Susan Paradise Baxter
)	
R. L. BROWNLEE, Acting)	ELECTRONICALLY FILED
Secretary of the Army,)	
)	
Defendant.)	

**DEFENDANT'S CONSENT MOTION FOR EXTENSION OF
TIME TO FILE MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the Defendant, R. L. Brownlee, Acting Secretary of the Army, by and through his attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul D. Kovac, Assistant United States Attorney for said district, and respectfully submits the following Motion requesting a 30-day extension of the deadline to file summary judgment motions. In support of this Motion, Defendant avers as follows:

1. Discovery in this case closed on December 30, 2005. Summary judgment motions are currently due on February 13, 2006.
2. One of the claims in this case involves an allegation of discrimination pursuant to the Rehabilitation Act based upon Plaintiff's alleged back disability. The other claim involves discrimination based upon Plaintiff's gender. Extensive discovery has been taken by the parties including numerous depositions of Defendant's personnel and Plaintiff's treating

physician. Additionally, hundreds of pages of documentation have been exchanged.

3. Defendant respectfully requests a 30-day extension until March 13, 2006, to file his Motion for Summary Judgment. An extension is needed in order to review and summarize the hundreds of pages of discovery material produced in this case. Additionally, undersigned counsel has been attending to other matters for the entire month of January 2006. During this month, undersigned counsel had a two-week jury trial ending on January 19, 2006. On January 23, 2006, undersigned counsel's son had surgery requiring a three-day hospital stay and resulting in counsel's absence for most of the week of January 23-27, 2006.

4. Defendant has consulted with Mr. Neal Sanders, Plaintiff's attorney, and he has consented to the 30-day extension to file Motions for Summary Judgment. This extension will also impact the other deadlines in this case, and they have been adjusted in the proposed Order attached herein.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Paul D. Kovac
PAUL D. KOVAC
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Dated: January 30, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DEFENDANT'S MOTION FOR EXTENSION OF TIME TO FILE SUMMARY JUDGMENT MOTION was served by first-class mail, postage-prepaid, on this 30th day of January, 2006, on the following:

Neal A. Sanders, Esquire
Counsel for Plaintiff
Law Office of Neal Alan Sanders
1924 North Main Street Extension
Butler, PA 16001

s/Paul D. Kovac
PAUL D. KOVAC
Assistant U.S. Attorney